

**Case:** 21052

**Investigator:** Kerrie Kimpel

**Complaint Received:** April 1, 2021

**Complainant:** Antonio Dukes and Sandra Dukes

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**Complaint Summary:**

Date: November 19, 2020

Time: 05:15 PM

Location: [REDACTED], Cincinnati, Ohio, District Three

On November 19, 2020, CPD Officers Jason Greene and William Cornacchione were called by the Emergency Communications Center (ECC) to Ms. Sandra Dukes' residence. Ms. Dukes believed the police were called about her arguing with a female in front of the residence. When they arrived, they advanced toward Mr. Antonio Dukes, Ms. Dukes' son, and handcuffed him. While he was lying on the ground handcuffed and officers had control over him, they used a Conducted Energy Weapon (CEW) on him three times. They placed him in a cruiser and called for an ambulance because he was drooling, and his eyes were rolling back in his head. Ms. Dukes attempted to check on Mr. Dukes and approached the officers. Each officer grabbed both of her arms, and they bent and twisted them until she heard a "pop." Ms. Dukes suffered shoulder and arm pain, and was treated at Mercy Hospital, but was still feeling pain at the time she reported this incident to CCA on April 1, 2021, Ms. Dukes added that she filed a complaint about the incident immediately, but the Cincinnati Police Department (CPD) had not responded to her.

**Allegations:**

Excessive Force

**Persons Involved:**

Officer Jason Greene, #P0035, M/B/38 (CPD, Involved)  
Officer William Cornacchione, #P0006, M/W/26 (CPD, Involved)  
Officer Andrew Snape, #S0097, M/W/35 (CPD, Involved)  
Officer Todd Dawson, #P0088, M/W/32 (CPD, Witness)  
Officer Brennan Hiatt, #P0238, M/W/25 (CPD, Witness)  
Officer Ashley Mallory, #P0349, F/B/28 (CPD, Witness)  
Officer Brian Carr, #S0112, M/W/42 (CPD, Witness)  
Sandra Dukes, F/B/59 (Citizen, Complainant)  
Antonio Dukes, M/B/31 (Citizen, Involved, Attempted)  
Witness A, F/B/25, (Witness, Attempted)

**Evidence Reviewed:**

Hamilton County Clerk of Courts  
CPD Records Management System (RMS)

CPD Computer Aided Dispatch (CAD)  
Body-Worn Camera (BWC)  
911 Call Recordings  
Axon Taser Report  
Sandra Dukes Medical Discharge Paperwork  
CPD Internal Investigation Section (IIS) Report  
Statements by officers and complainant

**Authorities:**

CPD Procedure § 12.545 Use of Force  
CPD Procedure § 12.554 Investigatory Stops  
Ohio Revised Code § 2919.25 Domestic Violence

**Significant Clarifications:**

CCA requested witness names and information from Ms. Dukes but did not receive any witness names to interview.

Mr. Dukes was able to communicate with officers while he was in the back of the cruiser and denied medical treatment.

**Analysis:**

Officers Greene and Cornacchione were dispatched by ECC to a radio run which was originally categorized as a Domestic Violence call. The caller, Witness A, stated Mr. Dukes, was kicking the door to Witness A's vehicle while she and her daughter were inside. At 17:17:31, the Dispatcher updated the CAD screen to say that a gun was seen along with a knife. The call type was changed from "Domestic Violence" to "Gun" at 17:17:36. At the time Officers Cornacchione and Greene arrived on scene, 17:25:59, the information available to them on their CAD screen, and relayed by ECC on the radio, was that Mr. Dukes was a male Black with blonde and black dreadlocks, wearing a black Nike sweatshirt and black jeans, on the porch, and he was possibly armed with a gun and a knife. In actuality, the situation did not fall under "Domestic Violence" according to the Ohio Revised Code definition, which states the two involved subjects must be family or household member. Therefore, the CPD Domestic Violence Policy was not applicable.

**Allegation 1: Excessive Force**

When Officers Greene and Cornacchione arrived on scene to investigate, they observed Mr. Dukes, matching the description from ECC on top of a vehicle. He jumped off the vehicle when he saw the officers arriving on scene. Officer Cornacchione stated to CCA "It looked as if he threw something under a vehicle, but nothing was ever located." According to CPD Procedure Manual 12.554, a "Terry" type stop is when "the officer has reasonable suspicion to believe the citizen is committing or has committed a crime. Based on this reasonable suspicion, the officer may forcibly stop and detain the citizen for a brief investigatory period." Mr. Dukes matched the description given to them of the suspect of a crime. Both officers exited their cruiser and advanced toward Mr. Dukes, ordering him to stop. Mr. Dukes walked away from the officers, despite them both ordering him to stop.

The information officers had at that time included that Mr. Dukes could be armed based on the 911 call. A review of the BWC's showed Officer Cornacchione stood in front of Mr. Dukes, to his

right, with his CEW pointed at Mr. Dukes and ordered him several times to keep his hands out of his pockets, which Mr. Dukes ignored. Mr. Dukes placed his hands in and out of his sweatshirt pocket and pants pockets multiple times and yelled to someone behind the officers. Mr. Dukes put his hands up in the air. Officer Cornacchione informed Mr. Dukes that he was under arrest, and again ordered him to turn around and put his hands behind his back, but Mr. Dukes did not comply. CPD Procedure 12.545 for Use of Force does not require officers to give a warning when a CEW is brandished at a citizen, but it does state, "when possible, give the subject a verbal warning before a CEW is deployed unless exigent circumstances exist that would make it imprudent to do so."

Officer Greene took hold of Mr. Dukes' left hand. Officer Cornacchione reached for Mr. Dukes' right hand, while still holding his CEW in his right hand. Mr. Dukes' tensed his arms, then pulled his hands toward his chest to avoid being taken into custody while saying, "Man, [expletive] ya'll." Officer Cornacchione holding onto Mr. Dukes' right arm, felt him pull away, so he "bear hugged" him and took him to the ground.

While on the ground, Mr. Dukes laid on his right side, still resisting and not placing his hands behind his back. Officer Cornacchione still held his CEW with his right hand as Mr. Dukes was lying on top of Officer Cornacchione's arm. Officer Cornacchione felt pressure on his right arm and felt Mr. Dukes holding onto his right wrist. while it was underneath Mr. Dukes' body and was out of sight. Officer Cornacchione stated to CCA, "When we fell on my TASER (CEW), it introduced the TASER to the fight." Officer Cornacchione who wanted to make the arrest and end the situation quickly for safety purposes, used his left arm to push free of Mr. Dukes and yanked his right arm out of Mr. Dukes' grasp. Officer Cornacchione deployed his CEW into Mr. Dukes' upper back at 17:26:34.897. The discharge lasted 1.52 seconds. Officer Cornacchione then moved the CEW to Mr. Dukes' leg deployed the second cartridge at 17:26:36.688 created a large enough spread to create the desired effect, which is Neuromuscular Incapacitation (NMI). Officer Cornacchione explained that as close as Mr. Dukes was to him at the time that he deployed the TASER, it would not create the spread at a distance that would create NMI, but instead would have merely created pain compliance because the barbs would not have been far enough apart to create the spread. Officer Cornacchione tased him twice, in order to create a far enough spread to create NMI. The second electrical discharge lasted 5.21 seconds, until Officer Cornacchione was able to give Officer Greene Mr. Dukes' second hand, and Officer Greene was able to place the second handcuff on, and no additional force was used on Mr. Dukes after that time. Officer Cornacchione stated to CCA that he held down the trigger "so we could cuff him under power" and "so that it was cycling through so we could get him in handcuffs, and after that, I let go."

Once Officers Greene and Cornacchione stood Mr. Dukes up, and escorted him to their cruiser, he yelled several times down the street at the female who called 911, which meant he was no longer incapacitated. Officer Cornacchione notified a supervisor that a CEW had been used, so a Use of Force report could be completed, and notified the Cincinnati Fire Department (CFD), so that a medic unit could come evaluate Mr. Dukes. Mr. Dukes was not getting into the cruiser, so Officer Cornacchione went to the other side of the cruiser and pulled Mr. Dukes in while Officer Greene pushed him, to secure Mr. Dukes in the cruiser. A Use of Force report was completed for the force used against Mr. Dukes.

According to CPD policy, CEW may be used when a subject is "actively resisting arrest" which defines as "when the subject is making physically evasive movements to defeat the officer's attempt at control, including fleeing, bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody." CPD's Procedure Manual on Use of Force directs officers to "when possible, give the subject a verbal warning before a CEW is

deployed unless exigent circumstances exist that would make it imprudent to do so.” It does not state that a warning must be given when the CEW is brandished. Officer Cornacchione explained that no warning was given because he felt Mr. Dukes grasp his wrist, which held the CEW, and he “did what he had to do.” Officer Cornacchione said he thought to himself “We are stopping this fight, we are not fighting anymore” and explained that in his experienced, the longer a situation is allowed to continue, the worse it gets. Officer Cornacchione wanted to “end the situation quickly, get him in custody, put him in the vehicle and go from there.” In this case, there was no warning given before the CEW was deployed, however due to the rapidly evolving situation, Officer Cornacchione only having one free hand to hold Mr. Dukes’ arm while Officer Greene applied handcuffs, plus Officer Cornacchione’s fear of his CEW being taken by Mr. Dukes, exigency existed, and it was reasonable that no warning was given in this situation. Therefore, Officers Greene and Cornacchione were within CPD’s policy, procedure, and training.

Ms. Dukes also alleged excessive force against herself during her arrest and stated her shoulder was injured as a result of her arrest. On November 20, 2020, Ms. Dukes was seen at Mercy Health Queen City Medical Center for her shoulder pain. Her discharge paperwork lists her Diagnosis as “Strain of right shoulder.”

Per review of the officers BWCs, during the arrest of Mr. Dukes, while he was still on the ground, Ms. Dukes approached the officers, yelled at them, and Officer Cornacchione shoved her chest area back with one open hand while giving her verbal commands to “get back” in order to prevent her from interfering with the arrest of Mr. Dukes. Once the paramedics arrived to evaluate Mr. Dukes while he sat in the back of the cruiser, Ms. Dukes again moved toward the cruiser amongst a group of officers who were standing near the cruiser, after being told to get back several times.

According to Officers Cornacchione and Greene, Ms. Dukes tapped or poked Officer Cornacchione’s chest while she asked his name. Officer Cornacchione then arrested her. During her arrest, Officer Cornacchione moved her right hand behind her back, and Officer Snape held her left arm so it could be handcuffed. Officer Cornacchione stated to CCA that he was “gentle” when placing her handcuffs on Ms. Dukes, and that she had complied with the arrest, which was corroborated by BWC footage. There was no additional force used.

Officer Todd Dawson transported Ms. Dukes back to District Three, where the Cincinnati Fire Department Medic Unit was called to respond to assess Ms. Dukes’ complaints of wrist pain. She was evaluated and cleared to be taken to the Hamilton County Justice Center (HCJC). Officer Dawson placed a second set of handcuffs on to alleviate the pressure on her shoulders from her hands being pulled behind her and secured in handcuffs behind her. An Injury to Prisoner report was completed for the injury Ms. Dukes reported.

Notwithstanding Ms. Dukes’s complaint of shoulder injury, the evidence does not establish that the force used against her was objectively unreasonable, given that the shove to her chest area was used to overcome her resistance to Mr. Dukes’s arrest, and given that lack of sufficient proof that the force used to handcuff her exceeded relatively minimal levels. Therefore, Officers Cornacchione and Snape involved in Ms. Dukes’ arrest were within CPD’s policy, procedure, and training.

**Findings:**

**Involved Subject: Mr. Antonio Dukes**

Officer Jason Greene  
Officer William Cornacchione

**Excessive Force** – The evidence shows that the alleged conduct did occur but did not violate CPD policies, procedures, or training. **EXONERATED**

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**Involved Subject: Ms. Sandra Dukes**

Officer William Cornacchione  
Officer Andrew Snape

**Excessive Force** – The evidence shows that the alleged conduct did occur but did not violate CPD policies, procedures, or training. **EXONERATED**

  
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Kerrie Kimpel, Investigator

  
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Gabriel Davis, Director

July 15, 2022  
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Date

**Previous Contacts and Commendations:**

**Officer Jason Greene**

**Previous Contact/s with CCA**

Officer Greene had one previous contact with CCA in the past three years.

<b>Case Number</b>	<b>Allegation</b>	<b>Finding</b>
19166	Improper Procedure	Referred
19166	Discourtesy	Referred

**Previous Contact/s with IIS**

CCA is unaware of any additional previous contact with Officer Greene by IIS.

**Commendations**

Officer Greene received one commendation in the past three years.

<b>Date</b>	<b>Source of Commendation Received</b>
09/08/2018	Civilian

**Officer William Cornacchione**

**Previous Contact/s with CCA**

Officer Cornacchione had no previous contact with CCA in the past three years.

**Previous Contact/s with IIS**

CCA is unaware of any additional previous contact with Officer Cornacchione by IIS.

**Commendations**

Officer Cornacchione received no commendations in the past three years.

**Officer Andrew Snape**

**Previous Contact/s with CCA**

Officer Snape had five previous contacts with CCA in the past three years.

<b>Case Number</b>	<b>Allegation</b>	<b>Finding</b>
20185	Excessive Force	Pending
19163	Excessive Force	Exonerated
19160	Excessive Force	Exonerated
18167	Improper Discharge of a Firearm	Exonerated
18076	Pointing of a Firearm	Exonerated
18076	Death in Custody	Unfounded

<b>Case Number</b>	<b>Allegation</b>	<b>Finding</b>
18076	Improper Stop	Exonerated

### **Previous Contact/s with IIS**

Officer Snape had one previous contact with IIS in the past three years.

<b>Case Number</b>	<b>Allegation</b>	<b>Finding</b>
2018-144	Excessive Force	Unfounded

### **Commendations**

Officer Snape received two commendations in the past three years

<b>Date</b>	<b>Source of Commendation Received</b>
07/05/2019	CPD
10/25/2018	CPD